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District Counsel

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re

TULARE LOCAL HEALTHCARE
DISTRICT, dba TULARE
REGIONAL MEDICAL CENTER,

Debtor.

Tax ID #: 94-6002897
Address: 869 N. Cherry Street
Tulare, CA 93274

CASE NO. 17-13797

DC No.: WW-1

Chapter 9

Date: N/A
Time: N/A
Place: 2500 Tulare Street
Fresno, CA 93721
Courtroom 13
Judge: Honorable René Lastreto II

APPLICATION FOR EX PARTE ORDER IMPLEMENTING EFFECTIVE DATE ON
ORDER GRANTING DEBTOR'S MOTION FOR AUTHORIZATION TO REJECT
EXECUTORY CONTRACT

TO THE HONORABLE RENÉ LASTRETO II, UNITED STATES BANKRUPTCY JUDGE:

Tulare Local Healthcare District, dba Tulare Regional Medical Center,

36894-0000014797777 1

1 respectfully comes before the Court to request entry of an order implementing the
2 effective date for the Order rejecting the executory contract as follows:

3 1. Tulare Local Healthcare District, dba Tulare Regional Medical Center
4 ("District") filed this Chapter 9 proceeding on September 30, 2017.

5 2. On October 10, 2017 the District filed its Motion for Authorization to Reject
6 Executory Contract ("Motion") which was argued on October 19, 2017.

7 3. The Court's decision on the Motion was announced in open court on
8 October 25, 2017.

9 4. The Court's Order on the Motion was filed on November 1, 2017. See
10 ECF #174.

11 5. The Order authorized the District to reject the subject Contracts dated May
12 29, 2014, but, out of concerns for patient safety, provided the effective date of the Order
13 was to be the earlier of November 27, 2017 or when the California Department of Public
14 Health approves the District's administrative plan.

15 6. On October 26, 2017, the District provided notice to the California
16 Department of Public Health of its intention to temporarily and voluntarily suspend its
17 license and all operations effective on October 27, 2017 at midnight. Thereafter, on
18 November 8, 2017, the California Department of Public Health informed the District that
19 it has approved the District's temporary suspension of its license. See Declaration of
20 Jean Chiang provided in support of this Application. Further, the California Department
21 of Public Health has noted that it does not have any present concerns for patient safety
22 within the District in light of the suspension of operations. Given that there are no
23 present patient safety concerns, there is no reason to further delay the effective date of
24 the contract rejection. As evidenced by its approval on the Proposed Order submitted
25 herewith, the California Department of Public Health does not object to the entry of an
26 Order implementing the effective date for the rejection.

1 7. By this Application the District seeks an Order holding that the effective
2 date of the contract rejection is the date the Order submitted with this Application is
3 signed by the Court.

4 WHEREFORE, Tulare Local Healthcare District prays that the Court enter the
5 proposed Order and seeks such other relief as is just and proper.

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7 Dated: November 9, 2017

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9 By: Riley C. Walter
10 Riley C. Walter, Attorneys for Debtor
11 Tulare Local Healthcare District, dba
12 Tulare Regional Medical Center
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